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EXAMINER
DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/848,339	FOSTICK ET AL.	
	Examiner	Art Unit	
	WILLIE J. DANIEL JR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-27,29-42 and 44-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-27,29-42 and 44-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 11 April 2008. **Claims 20-27, 29-42, and 44-55** are now pending in the present application and **claims 1-19, 28, and 43** are canceled. This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 April 2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20-21, 29, 31, 33-36, 44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takala (WO 99/53699)** in view of **Lele et al**. (hereinafter Lele) (**US 6,185,433 B1**).

Regarding **claim 20**, Takala discloses a method of managing SMS messages (Fig. 1), comprising:

identifying an SMS message for a data terminal equipment (DTE) which reads on the claimed "message receiver" (see pg. 2, lines 18-21,26-31; pg. 6, lines 10-21; pg. 7, lines 6-16; Fig. 1), where the short message service center (SMSC) provides receiving, delivering, or storing of short messages;

determining whether the message receiver (DTE) has set up at least one alternative handling instruction for calls which reads on the claimed "SMS messages" (see pg. 7, lines 14-28; pg. 8, lines 3-9), where the user (hereinafter B-subscriber) sets up different fields in which identifiers correspond to particular A-subscribers to provide a short message; and

if it is determined that the message receiver (DTE) has set up an alternative handling instruction for SMS messages, then executing the alternative handling instruction, wherein the set up at least one alternative handling instruction includes a saving instruction for saving SMS messages in a electronic calendar (4) which reads on the claimed "personalized folder" for the message receiver (DTE) (see pg. 6, lines 12-36; pg. 7, lines 14-36), where the user (hereinafter B-subscriber) sets up different fields in which specific identifiers are used to respond to different A-subscribers; and

wherein the SMS messages and the at least one alternative handling instruction are managed in an SMS center ("SMSC") in a network (see pg. 6, lines 10-21; pg. 7, lines 24-28; Fig. 1), where the system has an SMSC for handling reception, delivery, and storage of short messages (e.g., automatic response messages) and can query a user profile (e.g., database 3-5) for the response message in which database (e.g., 3-5) are implemented using software and functionally placed in the system (e.g., SMSC) as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see pg. 6, lines 27-29; pg. 7, lines 11-13; Fig. 1).

Takala inexplicitly discloses having the feature(s) managed in an SMS center ("SMSC") in a network. However, the examiner maintains that the feature(s) managed in an SMS center ("SMSC") in a network was well known in the art, as taught by Lele.

In the same field of endeavor, Lele discloses the feature(s) managed in an SMS center ("SMSC") in a network (see col. 2, lines 59-63; col. 5, lines 10-16; Fig. 1), where the SMS processor (SMSC 107) manages the busy mode and provides a canned response for incoming communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala and Lele to have the feature(s) managed in an SMS center ("SMSC") in a network, in order to have a method that provides determinate feedback to calling device users, as taught by Lele (see col. 1, lines 45-51).

Regarding **claim 21**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 20), in addition Takala further discloses the method of claim 20, wherein the at least one alternative handling instruction additionally includes at least one of

a setting which reads on the claimed "filtering instruction" for filtering SMS messages identified for the message receiver (DTE) according to a predetermined criteria (see pg. 7, lines 20-32), where the user provides a setting for handling certain calls;

a forwarding instruction for forwarding an SMS message received by the message receiver to at least one additional address (see pg. 7, lines 20-24), where calls from certain numbers are to be connected to another number or terminal equipment; and

a deletion instruction for deleting SMS messages according to a predetermined criteria.

Regarding **claim 29**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 20), in addition Takala further discloses the method of claim 20, wherein the at least one alternative handling instruction is set up via a form on a Web-based provisioning interface (DTE) (see pg. 6, lines 22-29; pg. 6, line 35 - pg. 7, line 13), where the user is able to provide database information for the instructions via software and internet protocols.

Regarding **claim 31**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 20), in addition Takala further discloses the method of claim 20, further comprising determining whether the message receiver (DTE) has set up at least one automatic response which reads on the claimed "AutoReply Message" for the message receiver (DTE) (see pg. 6, lines 16-21), where the user has an individualized message for A-subscriber.

Regarding **claim 33**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 31), in addition Takala further discloses the method of claim 31, wherein a content of the SMS message is used as the key to select the appropriate AutoReply Message from the plurality of AutoReply Messages (see pg. 6, lines 16-21; pg. 7, lines 31-36; pg. 8, lines 3-12), where the system uses content (e.g., definitions, identifiers, numbers, or addresses) to automatically respond with the appropriate information from the fields set up by the user.

Regarding **claim 34**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 31), in addition Takala further discloses the method of claim 31, wherein the appropriate AutoReply Message is selected in accordance with

whether the SMS message is one of a Mobile-Originated SMS message and a machine originated SMS message (see pg. 6, lines 16-21,29-33; pg. 7, lines 3-36), where the system determines the response according to the fields and identifiers in which the data terminal equipment can be a mobile station or computer.

Regarding **claims 35-36**, the claims are rejected for the same reasons set forth above in claims 20-21, respectively.

Regarding **claim 44 and 46**, the claims are rejected for the same reasons set forth above in claims 29 and 31, respectively.

Regarding **claim 47**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 46), in addition Takala further discloses of wherein there are a plurality of AutoReply Messages set up for the message receiver (DTE), and wherein the SMS message is used as a key to select an appropriate AutoReply Message (see pg. 6, lines 16-21; pg. 7, lines 20-36), where the user has automatic responses to different identifiers which allows the delivering of different messages to the subscribers.

Regarding **claims 48-49**, the claims are rejected for the same reasons set forth above in claims 33-34, respectively.

Regarding **claim 50**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 20), in addition Takala further discloses the method of claim 20, wherein there are a plurality of alternative handling instructions set up for the message receiver (DTE), and wherein a definition which reads on the claimed "content" of the SMS message is used to select the appropriate alternative handling instruction from the plurality of alternative handling instructions (see pg. 6, lines 12-36; pg. 7, lines 14-36), where

the user has definitions that correspond to specific subscriber identifiers which provide different A-subscribers with information from the different fields.

Regarding **claim 51**, the claim is rejected for the same reasons set forth above in claim 50.

Regarding **claim 52**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 20), in addition Takala further discloses the method of claim 20, further comprising setting up the least one alternative handling instruction on an SMS Automatic Handling Server ("SAHS") configured in the network (see pg. 7, lines 20-24; pg. 6, lines 27-29; pg. 7, lines 11-13; Fig. 1).

Regarding **claim 53**, the combination of Takala and Lele discloses every limitation claimed, as applied above (see claim 20), in addition Takala further discloses the method of claim 20, further comprising setting up an automated response for an incoming SMS message using an Auto-Reply Message Server ("ARMS") configured in the network (see pg. 6, lines 16-29; pg. 7, lines 11-13; Fig. 1).

Regarding **claims 54-55**, the claims are rejected for the same reasons set forth above in claims 52-53, respectively.

Claims 22-23, 26-27, 37-38, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takala** (**WO 99/53699**) in view of **Lele et al**. (hereinafter Lele) (**US 6,185,433 B1**) as applied to claims 21 and 36 above, and further in view of **Alperovich et al**. (hereinafter Alperovich) (**US 6,101,393**).

Regarding **claim 22**, Takala teaches of wherein the at least one alternative handling instruction includes a filtering instruction specifying a predetermined criteria (see pg. 7, lines 20-36), where the user has settings for filtering messages received according to different fields and identifiers. The combination of Takala and Lele does not specifically disclose having an instruction by which SMS messages are to be rejected by the message receiver. However, the examiner maintains that to have an instruction by which SMS messages are to be rejected by the message receiver was well known in the art, as taught by Alperovich.

In the same field of endeavor, Alperovich teaches of have an instruction by which SMS messages are to be rejected by the MS (22) which reads on the claimed "message receiver" (see col. 5, line 22 - col. 6, line 6; Figs. 3-5), where the screening mechanism (200) rejects messages according to an SMS selective-delivery criteria.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Alperovich to have an instruction by which SMS messages are to be rejected by the message receiver, in order to selectively deliver messages from identifiers of a selection and rejection lists, as taught by Alperovich.

Regarding **claim 23**, Takala teaches of wherein said filtering instruction (see pg. 7, lines 20-36), where the user has settings for filtering messages received according to different fields and identifiers. The combination of Takala and Lele does not specifically disclose to have an instruction that rejects SMS messages that are older than a predetermined amount of time. However, the examiner maintains that to have an instruction that rejects SMS

messages that are older than a predetermined amount of time was well known in the art, as taught by Alperovich.

Alperovich further teaches of have an instruction that rejects SMS messages that are older than a predetermined delivery-delay period which reads on the claimed "amount of time" (see col. 4, line 57 - col. 5, line 3; Figs. 3-5), where the screening mechanism (200) rejects messages according to an SMS selective-delivery criteria.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Alperovich to have an instruction that rejects SMS messages that are older than a predetermined amount of time, in order to selectively deliver messages from identifiers of a selection and rejection lists, as taught by Alperovich.

Regarding **claim 26**, Takala teaches of wherein at least one alternative handling instruction (see pg. 7, lines 20-36), where the user has settings for distributing specific messages according to different fields and identifiers. The combination of Takala and Lele does not specifically disclose having an instruction that includes a deletion instruction for deleting undelivered SMS messages. However, the examiner maintains that having an instruction that includes a deletion instruction for deleting undelivered SMS messages was well known in the art, as taught by Alperovich.

Alperovich further teaches of having an instruction that includes a deletion instruction for deleting undelivered SMS messages (see col. 4, line 57 - col. 5, line 3; Figs. 3-5), where the screening mechanism (200) deletes messages that are undelivered according to an SMS selective-delivery criteria.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Alperovich to have an instruction that includes a deletion instruction for deleting undelivered SMS messages, in order to selectively deliver messages from identifiers of a selection and rejection lists, as taught by Alperovich.

Regarding **claim 27**, the combination of Takala and Lele discloses every limitation claimed as applied above in claim 26. The combination of Takala and Lele does not specifically disclose wherein undelivered SMS messages are deleted after expiration of a predetermined amount of time. However, the examiner maintains that wherein undelivered SMS messages are deleted after expiration of a predetermined amount of time was well known in the art, as taught by Alperovich.

Alperovich further teaches of wherein undelivered SMS messages are deleted after expiration of a predetermined amount of time (see col. 4, line 57 - col. 5, line 3; Figs. 3-5), where the screening mechanism (200) deletes messages that are undelivered according to SMS selective-delivery criteria.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Alperovich to have wherein undelivered SMS messages are deleted after expiration of a predetermined amount of time, in order to selectively deliver messages from identifiers of a selection and rejection lists, as taught by Alperovich.

Regarding **claims 37-38**, these claims are rejected for the same reasons set forth above in claims 22-23, respectively.

Regarding **claims 41-42**, these claims are rejected for the same reasons set forth above in claims 26-27, respectively.

Claims 24 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takala** (**WO 99/53699**) in view of **Lele et al**. (hereinafter Lele) (**US 6,185,433 B1**) as applied to claims 21 and 36 above, and further in view of **Patil** (**US 6,625,460 B1**).

Regarding **claim 24**, Takala teaches of wherein the at least one alternative handling instruction includes a forwarding instruction for forwarding a received call which reads on the claimed "SMS message" (see pg. 7, lines 20-24), where the call is directed to another number. The combination of Takala and Lele does not specifically disclose having an instruction for forwarding a received SMS message to a plurality of different addresses. However, the examiner maintains that having an instruction for forwarding a received SMS message to a plurality of different addresses was well known in the art, as taught by Patil.

In the same field of endeavor, Patil teaches of having an instruction for forwarding a received SMS message to a distribution list which reads on the claimed "plurality of different addresses" (see col. 4, line 27 - col. 5, line 32; col. 6, lines 37-47; Figs. 3 and 5), where the user of the SM program has messages forwarding to the addresses of the distribution list. As a note, Patil at the least further discloses related features the message server (40) my be incorporated into the SMSC (see pg. 7, lines 16-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Patil to have an

instruction for forwarding a received SMS message to a plurality of different addresses, in order to provide messages of information to recipients of a distribution list, as taught by Patil.

Regarding **claim 39**, the claim is rejected for the same reasons set forth above in claim 24.

Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takala** (**WO 99/53699**) in view of **Lele et al**. (hereinafter Lele) (**US 6,185,433 B1**) as applied to claims 20 and 35 above, and further in view of **Kraft** (**US 6,424,829 B1**).

Regarding **claim 25**, Takala discloses the method of claim 20, wherein the personalized folder (4) is a folder identified for saving urgent SMS messages (see pg. 6, lines 10-27; pg. 7, line 29 - pg. 8, line 9), where the system has a SMSC for storage of messages (e.g., urgent or non-urgent) which communicates with the user's calendar database (3) and electronic calendar (4). The combination of Takala and Lele does not specifically disclose having the feature(s) folder identified for saving urgent SMS messages. However, the examiner maintains that the feature(s) folder identified for saving urgent SMS messages was well known in the art, as taught by Kraft.

In the same field of endeavor, Kraft discloses the feature(s) folder identified for saving urgent SMS messages (see col. 3, lines 1-8,14-17; col. 4, lines 25-43; col. 5, lines 1-11; col. 1, lines 19-30; Fig. 2), where the user can create folders for different categories, for example, to sort private messages into a folder and users profession (e.g., urgent) messages into another folder.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Kraft to have the feature(s) folder identified for saving urgent SMS messages, in order to handle SMS messages in a more efficient way to find short messages (e.g., most important messages) more easily, as taught by Kraft (see col. 1, lines 19-30; col. 3, lines 1-8,14-17).

Regarding **claim 40**, this claim is rejected for the same reasons set forth above in claim 25.

Claims 30, 32, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takala** (**WO 99/53699**) in view of **Lele et al**. (hereinafter Lele) (**US 6,185,433 B1**) as applied to claims 20 and 35 above, and further in view of **Lohtia et al**. (hereinafter Lohtia) (**US 6,560,456 B1**).

Regarding **claim 30**, Takala discloses of wherein the at least on alternative handling instruction is set up (see pg. 6, lines 22-29; pg. 6, line 36 - pg. 7, line 12; pg. 7, lines 20-24), where the user is able to provide settings for instruction via the data terminal equipment using software and the internet to control the databases. The combination of Takala and Lele does not specifically disclose having an instruction that is set up via an SMS message. However, the examiner maintains that having an instruction that is set up via an SMS message was well known in the art, as taught by Lohtia.

In the same field of endeavor, Lohtia teaches of having a request which reads on the claimed "instruction" that is set up via an SMS message (see abstract; col. 4, lines 22-39;51-56; col. 4, line 66 - col. 5, line 5; col. 5, line 44 - col. 6, line 5; Figs. 1-4), where the user of the handset (11) has a profile that allows the user to make a request via a SMS origination

message which has a telephone number or code that acts as a trigger for receiving the requested information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takala, Lele, and Lohtia to have an instruction that is set up via an SMS message, in order to have requested information delivered to a user according to the user's profile, as taught by Lohtia.

Regarding **claim 32**, the combination of Takala, Lele, and Lohtia discloses everything claimed, as applied above (see claim 30), in addition Takala further discloses of wherein there are a plurality of AutoReply Messages set up for the message receiver (DTE), and wherein the SMS message is used as a key to select an appropriate AutoReply Message (see pg. 6, lines 16-21; pg. 7, lines 20-36), where the user has automatic responses to different identifiers which allows the delivering of different messages to the subscribers.

Regarding **claim 45**, the claim is rejected for the same reasons set forth above in claim 30.

Response to Arguments

4. Applicant's arguments with respect to claims 20-27, 29-42, and 44-55 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language, new limitations, and/or new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
20 May 2008

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617